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PTO/SB/61 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

D4700-00394

First Named Inventor: Andreas Fath

Art Unit: Not yet known

Application Number: 10/534,560

Examiner: Not yet known

Filed: May 11, 2005

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2 FEB 2006

Title: COATING METHOD

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Legal Staff  
International Division**RECEIVED**

JAN 30 2006

**OFFICE OF PETITIONS**NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- |   |            |           |
|---|------------|-----------|
| (1) Petition fee.   | 01 FC:1631 | 300.00 DA |
| (2) Reply and/or issue fee.   | 02 FC:1633 | 200.00 DA |
| (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; | 03 FC:1642 | 400.00 DA |
| (4) Adequate showing of the cause of unavoidable delay.   | 04 FC:1615 | 400.00 DA |

## 1. Petition fee

- ☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 500.00 (37 CFR 1.17(l)).

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OIPE/IAP**

## 2. Reply and/or fee

JAN 27 2006

- A The reply and/or fee to the above-noted Office action in the form of
- 
- Deposit Account Charge Authorization (copy attached)
- (identify the type of reply):

- ☒ has been filed previously on May 11, 2005
- ☐ is enclosed herewith.

01/27/2006 SDENB001 00000001 041679 10534560

- B The issue fee of \$ \_\_\_\_\_

01 FC:1452 500.00 DA

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

10/03/2006 SBASHEIR 00000002 041679 10534560  
01 FC:1617 130.00 DA

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

## **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*Stephan Gribok*

Signature

Stephan P. Gribok

Typed or printed name

Duane Morris LLP

30 South 17th Street, Philadelphia, PA 19103-4196

Address

*Jan. 19, 2006*

Date

29,643

Registration Number, if applicable

215-979-1283

Telephone Number

Enclosure ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☒ Please charge Deposit Account No. 04-1679 in the amount of \$500 for the Petition fee.

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**JAN 30 2006**

**OFFICE OF PETITIONS**

## **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

January 16, 2006

Date

Signature

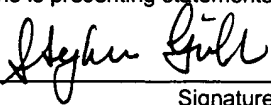
Stephan P. Gribok

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Stephan P. Gribok

Typed or printed name

January 16, 2006

Date

29,643

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

SEE ATTACHED

(Please attach additional sheets if additional space is needed.)

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JAN 30 2006

OFFICE OF PETITIONS



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Appln. of:    Andreas FATH  
Serial No.:            10/534,560  
Filed:                 May 11, 2005  
For:                    COATING METHOD

Examiner:    Not yet assigned  
Group Art Unit: Not yet known  
Atty Docket No.: D4700-00394

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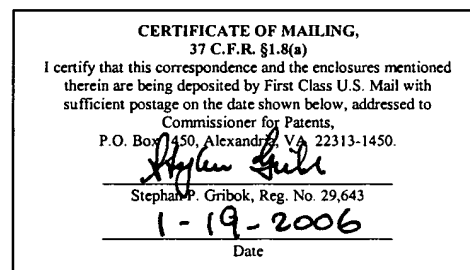
**JAN 30 2006**

**OFFICE OF PETITIONS**

**REQUEST TO RETRACT ERRONEOUS HOLDING OF ABANDONMENT, AND  
IN THE ALTERNATIVE, STATEMENT IN SUPPORT OF PETITION TO REVIVE  
(DELAY UNAVOIDABLE)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:



The undersigned attorney of record presents this statement in support of a request to retract an erroneous holding of abandonment, or in the alternative, a petition to revive the application in US national phase on grounds that abandonment was unavoidable. The application was held abandoned for nonpayment of the national phase filing fees by the deadline of 30 months. The PTO's deposit account statement, however, shows that sufficient funds in fact were available in the deposit account to be charged for the national phase filing fees. Therefore, the holding of abandonment is erroneous and should be withdrawn.

**Background**

The patent application was duly filed in the US national phase by Express Mail on May 11, 2005 as evidenced by attached customer copy of the Express Mailing Label. The filed documents included an authorization to charge Deposit Account 04-1679 in the amount of \$1,750.00 for the national phase filing fees (copy of national phase Transmittal Letter is enclosed).

On November 2, 2005, a Notice of Abandonment was received, alleging failure to pay the U.S. Basic National Fee by 30 months, namely \$1,750.00. According to the Notice of Abandonment, the charge to the deposit account failed by reason of insufficient funds in the deposit account to meet the amount of the charge.

The undersigned's office has investigated, including by several phone conversations with Mr. Harry Kim of PCT Legal (tel. 571-272-3285). Mr. Kim reported on January 12, 2006 that the unsuccessful attempt to draw the amount of \$1,750.00 against deposit account 04-1679 as authorized on May 11 occurred on May 16, 2005.

#### **Request for Reconsideration of Finding of Abandonment**

Attached is a copy of the official statement for Deposit Account 04-1679, downloaded from <https://ramps.uspto.gov/eram>, for the period of May 2, 2005 through May 16, 2005, showing the balance following every executed transaction involving a charge or credit to Deposit Account 04-1679. This statement shows that at no time from May 11, 2005 through May 16, 2005, was the reported balance in deposit account 04-1679 insufficient to cover the \$1,750.00 amount of the charge authorization for the U.S. Basic National Fee referenced herein.

Therefore, the finding of abandonment is an error on the USPTO's part because the stated grounds for alleged abandonment, namely insufficient funds to meet the charge authorization for the filing fee, are mistaken.

Applicant requests that the finding of abandonment be withdrawn and that the charge authorization of May 11, 2005 be executed in accordance with its terms.

#### **Unavoidable Nature of Delay**

Although the holding of abandonment is clearly erroneous as shown by the deposit account statement, the undersigned petitions in the alternative that if the abandonment is maintained, the application should be revived as a pending application on grounds that the delay in prosecution was unavoidable. The required petition fee (\$500.00) is submitted herewith by charge authorization. The charge authorization in the amount of \$1,750.00 for the basic national fee remains of record to be used to

charge that amount to deposit account 04-1679 together with the \$500.00 petition fee if the abandonment is maintained over the foregoing request for reconsideration.

Applicant petitions to revive on grounds of unavoidable delay in payment, because applicant and its representatives have no control over how and when the PTO chooses to resolve the balance in deposit accounts. Applicant in fact took such actions as were necessary to maintain the necessary balance in the deposit account. The account actually did have a balance that was sufficient at the time the deposit account charge authorization was reportedly executed. Executed charges are reported by the PTO to applicant's representatives by the deposit account statement made available at <https://ramps.uspto.gov/eram>. That statement shows that more than sufficient funds were available for the charge in question. Applicant's representatives did everything that should have been necessary to pay the national phase fees.

Applicant's representatives endeavor to keep a balance in the deposit account that is sufficient to meet charge authorizations previously submitted to the PTO. Reliance is placed on the PTO deposit account statement to verify the sufficiency of the balance. If the PTO should operate on an unpublicized procedure different from the succession of charges and payments reflected by deposit account statements, then applicant's representatives are denied information necessary to ensure that sufficient funds are on deposit.

In the present case, the deposit account statement reflects a positive balance in an amount that was more than sufficient over the period from submission of the application in the national phase (May 11) until the alleged unsuccessful attempt to charge the sum (May 16), and also thereafter. Applicant's representatives not only tried to keep a sufficient balance in the deposit account, but did keep a sufficient balance, to cover the charge in question. The application should not have been held abandoned. If it was abandoned, which is doubtful, the delay in payment was unavoidable.

Applicant's representatives replenished the deposit account on a regular basis over the period in question. Replenishments to the deposit account appear to have been made on each of May 11, the Express Mail date for national phase entry; May 12;

May 13; and also May, 16, the date of the alleged shortfall; as well as various other dates. This activity shows that the balance was being maintained actively.

On May 16, the starting balance in the deposit account was \$4,879.62, which was more than sufficient to cover the \$1,750.00 charge in question. The low point in all transactions during the day was \$2,128.62, again more than sufficient to cover the \$1,750.00 charge in question. The next transaction showing is an electronic fund transfer replenishment in the amount of \$8,110.00, apparently made early in the day (see deposit account statement at transaction number 32 of at least 1,077 posted that day). Over the entire day, the deposit account charges totaled \$9,029.00, which was more than the \$8,110.00 replenishment on that day. Nevertheless, the ending balance for the day was still \$3,960.62, and still was more than sufficient to cover the \$1,750.00 charge in question. There is no explanation for why the application should have been held abandoned for inability to charge the official fee.

Under these circumstances, absent keystroke error, the only possible explanation for inability of the PTO to find a sufficient balance in the deposit account is that somehow the order of transactions was different from the order presented by the deposit account statement. Perhaps the PTO refrained from recognizing the replenishment payment while at the same time amassing a group of deposit account charges that were tried against the balance as a group, before the previously received replenishment payment was credited in some way.

If the balance in the deposit account did not reflect applicant's payments until some time later than indicated on the deposit account statement, then applicant's representatives were improperly denied timely credit for electronic payments that had in fact been made. It is an abuse of discretion for the USPTO to arbitrarily decide when to credit payments made and when to extract money against payments, if the result is to cause the PTO to determine that an application has gone abandoned for lack of a fee payment, even though the necessary payment is in hand at the PTO.

Based on the foregoing considerations and relying on the official deposit account statement from the USPTO, the subject application was held to be abandoned by error of the PTO. Retraction of the notice of abandonment is requested.

In the alternative, applicant's undersigned representative responsible for making the fee payment submits that the delay in payment was unavoidable and requests revival on such grounds in view of the payment of the additional \$500.00 petition fee and the concurrent re-submission of the official national phase filing fee of \$1,750.00.

Respectfully submitted,

Date: \_\_\_\_\_

Jan. 19, 2006



Stephan P. Gribok  
Registration No. 29,643  
**DUANE MORRIS LLP**  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103-4196  
Telephone: 215-979-1283  
Facsimile: 215-979-1020

Atty Docket No.: D4700-00394





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Trademark Office**



**Deposit Account Statement**

Requested Statement Month: May 2005  
 Deposit Account Number: 041679  
 Name: DUANE, MORRIS & HECKSCHER  
 Attention: CHRIS LAMBRIODES  
 Address: ONE LIBERTY PLACE  
 City: PHILADELPHIA  
 State: PA  
 Zip: 19103-7396  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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**DOCKETED**

04700-394

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,560	Andreas Fath	D700-00394

INTERNATIONAL APPLICATION NO.
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PCT/EP03/12697

I.A. FILING DATE	PRIORITY DATE
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11/13/2003

8933  
 DUANE MORRIS, LLP  
 IP DEPARTMENT  
 30 SOUTH 17TH STREET  
 PHILADELPHIA, PA 19103-4196

NOV - 7 2005

CONFIRMATION NO. 7442

**371  
 ABANDONMENT/TERMINATION  
 LETTER**



\*OC000000017359154\*

Date Mailed: 11/02/2005

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

CHARITTA A BURT

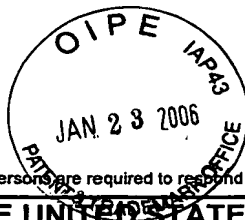
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PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)





<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> D700-00394
<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP2003/012697		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> Not yet known
<b>INTERNATIONAL FILING DATE</b> 13 November 2003 (13.11.03)		<b>PRIORITY DATE CLAIMED</b> 14 November 2002 (14.11.02)
<b>TITLE OF INVENTION</b> COATING METHOD		
<b>APPLICANT(S) FOR DO/EO/US</b> Andreas Fath		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input checked="" type="checkbox"/> This is an <b>express</b> request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Unsigned)</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li>20. <input checked="" type="checkbox"/> Other items or information: See Attached Sheet</li></ol>		

COPY

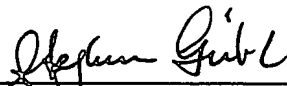
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OFFICE OF PETITIONS

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) Not yet known		INTERNATIONAL APPLICATION NO. PCT/EP2003/012697		ATTORNEY'S DOCKET NUMBER D4700-00394		
The following fees have been submitted				CALCULATIONS	PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300		
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200		
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 400		
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 900</b>		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
22 - 100 =	0 /50 =		x \$250	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		
Total claims	37 - 20 =	17	x \$ 50	\$ 850		
Independent claims	3 - 3 =	0	x \$200	\$		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 1,750</b>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.						
<b>SUBTOTAL =</b>				<b>\$ 1,750</b>		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$		
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 1,750</b>		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$		
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 1,750</b>		
				Amount to be refunded:	\$	
				Amount to be charged:	\$ 1,750	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>04-1679</u> in the amount of \$ <u>1,750</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-1679</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>						
<p>SEND ALL CORRESPONDENCE TO: Customer No. 08933</p> <p>Stephan P. Gribok                  Duane Morris LLP                  One Liberty Place                  Philadelphia, PA 19102</p>						
				 SIGNATURE Stephan P. Gribok NAME 29,643 REGISTRATION NUMBER		

**20. Other items or information**  
**(cont'd. from Page 1 of Transmittal Letter)**

Form PCT/IB/304 Notification Concerning Submission or  
Transmittal of Priority Document

PCT Request, as filed

International Search Report as published in German-text under  
International Publication No. WO 2004/044071 A3 on  
25 November 2004

English translation of International Search Report